

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:
Jussi Petri Myllymaki

Atty. Docket No.:ARC920000103US1

Serial No.: 09/769,452

Group Art Unit: 2618

Filed: January 26, 2001

Examiner: Angelica Perez

For: WIRELESS COMMUNICATION SYSTEM AND METHOD FOR SORTING
LOCATION RELATED INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S APPEAL BRIEF

Sirs:

Appellant respectfully reinstates appeal after prosecution was reopened by a Supervisory Patent Examiner. A non-final Office Action informing Appellant of the reopening of prosecution was mailed on April 23, 2008. A Notice of Appeal was timely filed on July 22, 2008.

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I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, Armonk, New York, assignee of 100% interest of the above-referenced patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Assignee, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-25, all of the claims pending in the application and fully set forth in the attached appendix (Section VIII: CLAIMS APPENDIX), are under appeal.

Claims 1-25 were originally filed with the application. A non-final Office Action, mailed October 27, 2003, rejected claims 1-23 and objected to claims 24 and 25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on January 20, 2004, amending independent claims 1, 10, 18, and 23. A final Office Action, mailed April 22, 2004, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.116 on June 22, 2004, amending independent claims 1, 10, 18, and 23. After a teleconference with the Examiner, Appellant filed a Request for Continued Examination on August 30, 2004. An Advisory Action, mailed September 10, 2004, indicated that the proposed amendments filed under 37 C.F.R. §1.116 on June 22, 2004 would not be entered because they raised new issues that would require further consideration and/or search. A non-final Office Action, mailed October 22, 2004, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on January 19, 2005, amending independent claims 1, 10, 18, and 23. A final Office Action, mailed June 17, 2005, rejected claims 1-25. Appellant timely filed a Response under 37 C.F.R. §1.116 on August 16, 2005, in which no amendments were made to the claims. An Advisory Action, mailed September 23, 2005, indicated that the application was not in condition for allowance. Appellant timely filed a Notice of Appeal on September 19, 2005. Appellant timely filed an Appeal Brief on November 17, 2005. In response to the Appeal Brief, filed on November 17, 2005, a non-final Office

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Action rejecting claims 1-25 was mailed on October 10, 2006. Appellant timely filed a Response under 37 under 37 C.F.R. §1.111 on January 8, 2007, in which no amendments were made to the claims. A non-final Office Action, mailed March 23, 2007, rejected claims 1-25. Appellant timely filed an Amendment under 37 C.F.R. §1.111 on June 22, 2007, amending claims 1, 3, 5-10, 13, 15-18, and 22-25. A final Office Action, mailed September 10, 2007, rejected claims 1-25. Appellant timely filed, on November 7, 2007, an Amendment under 37 C.F.R. §1.116, that merely amended the dependent claims pursuant to new Rule 37 CFR 1.75(b) and *Pfizer Inc. v. Ranbaxy Labs, Ltd.*, 437 F.3d 1284, 1292, 70 U.S.P.Q.2d 1583, 1589-90 (Fed. Cir. 2006). An Advisory Action, mailed November 26, 2007, indicated that the application was not in condition for allowance. Appellant timely filed a Notice of Appeal on December 7, 2007. In response to the Appeal Brief, filed on December 7, 2007, a non-final Office Action rejecting claims 1-25 was mailed on April 23, 2008. Appellant timely filed a Notice of Appeal on July 22, 2008 to reinstate an appeal.

Presently, claims 1-25 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,727,057 to Emery et al., hereinafter, Emery, in view of U.S. Patent No. 6,343,317 to Glorikian.

IV. STATUS OF AMENDMENTS

In response to the final Office Action mailed September 10, 2007, Appellant timely filed an after-final Amendment under 37 C.F.R. §1.116, on November 7, 2007, that merely amended the dependent claims pursuant to new Rule 37 CFR 1.75(b) and *Pfizer Inc. v. Ranbaxy Labs, Ltd.*, 437 F.3d 1284, 1292, 70 U.S.P.Q.2d 1583, 1589-90 (Fed. Cir. 2006). An Advisory Action, mailed November 26, 2007, indicated that the application was not in condition for allowance, and that the rejections of the claims would remain.

Appellant timely filed a Notice of Appeal on December 7, 2007. In response to the Appeal Brief, filed on December 7, 2007, a non-final Office Action rejecting claims 1-25 was mailed on April 23, 2008. Appellant timely filed a Notice of Appeal on July 22, 2008 to reinstate an appeal.

The claims shown in the CLAIMS APPENDIX are shown in the amended form as of the after-final Amendment, filed on November 7, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The Appellant's claimed invention is generally described from page 2, line 12 to page 11, line 21 of the Specification and illustrated in Figs. 1-3 of the Application, as originally filed. In particular, Appellant's claimed invention is parenthetically describe with specific reference to the claimed subject matter by page number and line number and by Figure number, as originally filed.

Claim 1: A method of sorting geo-spatial dependent data using a client wireless component (CWC), the method comprising: (Page 4, lines 3-8; page 5, lines 14-16; page 8 lines 7-9; and page 10, lines 11-17), receiving user documents comprising personal information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

Claim 2: The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes providing a global position satellite (GPS)-type CWC and tracking location of said GPS-type CWC using global position satellites (Page 5, lines 1-8).

Claim 3: The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and

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wherein said determining of said location of said CWC includes accessing an area code of a local wireless cellular network (Page 7, lines 2-3 and 14-15).

Claim 4: The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes explicit entry of location data (Page 7, lines 15-16).

Claim 5: The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp (Page 7, lines 12-17).

Claim 6: The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising editing said location identifiers to correspond to actual geo-spatial locations (Page 8, lines 18-19).

Claim 7: The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location (Page 7, lines 13-16; and page 7, line 20 to page 8, line 5).

Claim 8: The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal information by said distance, beginning with a smallest distance (Page 9, lines 1-11).

Claim 9: The method in claim 1, all the limitations of which are incorporated herein by reference, wherein the sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal information is performed by logical dimension (Page 9, lines 6-7).

Claim 10: A method of sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC), said method comprising: (Page 4, lines 3-8; page 6, lines 3-10; and page 10, lines 11-17), receiving user documents comprising personal user information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

Claim 11: The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining said location of said CWC includes automatic determination by a global position satellite network (Page 5, lines 1-8).

Claim 12: The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining of said location is by inputting a particular location into the CWC (Page 7, lines 12-16).

Claim 13: The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp (Page 7, lines 12-17).

Claim 14: The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising editing said location identifier to correspond to geo-spatial location by the GPS-CWC (Page 10, lines 1-10).

Claim 15: The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location (Page 7, lines 13-16; and page 7, line 20 to page 8, line 5).

Claim 16: The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal user information by said distance, beginning with a smallest distance (Page 9, lines 1-11).

Claim 17: The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal user information is performed by logical dimension based upon user preference (Page 9, lines 6-7).

Claim 18: A system for sorting location dependent data, the system comprising: (Page 4, lines 3-8; page 5, lines 14-16; and Fig. 1, 10), a client wireless component (CWC), the CWC having: (page 4, lines 6-7; and Fig. 1, 2), a location tracker operatively configured with a location tracking database to determine a location of said CWC; (Page 7, lines 12-17; and Fig. 2, 110, 120), a document database operatively configured with an editor, a presenter and a recorder, (Page 8, lines 15-16; page 9, lines 1-2; and page 10, lines 5-7; and Fig. 2, 140, 150, 160), said presenter operatively configured with said location tracking database, (Page 9, lines 1-5; and Fig. 2, 120, 150), wherein said document database comprises user documents comprising personal user information added by a user of said CWC through said editor (Page 8, lines 15-18; and Fig. 2, 130, 140), wherein said user documents have location identifiers associated with said personal user information (Page 8, lines 7-14; and page 9, lines 15-20); a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers; (page 5, lines 13-16; page 7, lines 1-7; page 9, lines 6-20; page 10, lines 16-17; and Fig. 1, 21), and a

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graphic user interface adapted to display said personal user information in said shortest-distance-first order (Page 9, lines 9-11; page 4, lines 12-14; and Fig. 1, 24).

Claim 19: The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said editor and said recorder comprise editing components that modify said location tracking database (Page 8, lines 18-19 and Fig. 2, 130, 140; and page 10, lines 1-10 and 130, 160).

Claim 20: The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database and location information associated with each document in said document database (Page 9, lines 1-14 and Fig. 2, 150, user).

Claim 21: The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said CWC further includes global positioning satellite (GPS) position components and distance determination for sorting said document database is determined by a signal from a GPS network (Page 5, lines 1-11 and Fig. 1, 22; and page 9, lines 1-14 and Fig. 2, 110, 120, 150, user).

Claim 22: The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said CWC includes position determining components for sorting said document database, said positioning determining components to determine said location of said CWC by accessing an area code of a local wireless cellular network (Page 7, lines 1-3; page 7, lines 12-17; page 8, lines 7-9; and Figs. 1 and 2).

Claim 23: A program storage device readable by machine, tangibly embodying a program of instructions executable by said machine to perform a method for sorting location dependent data

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using a client wireless component, said method comprising: (Page 4, lines 3-8; page 5, lines 14-16; page 8 lines 7-9; and page 10, lines 11-17), receiving user documents comprising personal user information added by a user of said CWC, (Page 7, lines 1-7 and page 8, lines 6-7), wherein said user documents have location identifiers associated with said personal user information; (Page 8, lines 7-14; and page 9, lines 15-20), determining a location of said CWC; (Page 5, lines 4-11), sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; (Page 7, lines 1-7; page 9, lines 6-20; and page 10, lines 16-17), and displaying said personal user information in said shortest-distance-first order on said CWC (Page 9, lines 9-11; and page 10, lines 17-18).

Claim 24: A program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by actual geo-spatial location (Page 8, lines 18-19; and page 10, lines 5-10).

Claim 25: The program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by non-actual geo-spatial location (Page 8, lines 7-9).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented for review by the Board of Patents Appeals and Interferences are: whether claims 1-2, 4, 6-12, 14-21, and 23-25 are unpatentable over U.S. Patent No. 5,727,057 to Emery et al., hereinafter, Emery, in view of U.S. Patent No. 6,343,317 to Glorikian.

VII. ARGUMENT

**The Unpatentability Rejection of Independent Claims 1, 10, 18, and 23, and
Dependent Claims 2-9, 11-17, 19-22, 24 and 25 over Emery and Glorikian**

A. The Position of the Office

The non-final Office Action, mailed April 23, 2008, merely restates the rejection of the final Office Action, mailed June 17, 2005:

Regarding claims 1 and 10, Emery teaches of a satellite and method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically-associated data, Glorikian teaches of sorting, within the CWC, the document database in a shortest distance first order based on the location of the CWC. (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example, Also, in an alternative embodiment Glorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally. . .may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described". Where, as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"); and displaying the geospatial dependent data in the shortest-distance..first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a "shortest-distance-first order" in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian's shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claims 2 and 11, Emery in view of Glorikian teaches all the limitations according to claims 1 and 10. Emery further teaches of the usage of a global position satellite (GPS)-type wireless component (CWC)(Figure 1, items 105.1, 107, and 108).

Regarding claim 3, Emery in view of Glorikian teaches all the limitations according to claims 1. In addition, Emery teaches where determining of the location of the CWC includes accessing an area code of the local wireless cellular network (column 16, lines 2-8).

Regarding claims 4 and 12, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches where the determining of the location of the CWC includes explicit entry of location data (column 11, lines 40-42).

Regarding claims 5 and 13, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches of storing the location into the CWC by inputting the location in a location tracking database that stores both the location and timestamp (column 7, lines 19-24).

Regarding claims 6 and 14, Emery and Glorikian teach all the limitations of claims 1 and 10, Emery also teaches of editing the location identifiers to correspond to actual geo-spatial locations (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claims 7 and 15, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches assigning the location identifier based on information other than geo-spatial location (column 3, lines 59-65).

Regarding claims 8 and 16, Emery and Glorikian teach all the limitations of claims 1 and 10. Glorikian further teaches where sorting comprises calculating a distance between the location and the location identifiers and ordering the datum by the distance, beginning with a smallest distance (column 6, lines 1-14; where the smallest distance is pushed to the top).

Regarding claim 9, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 23. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension (column 6, lines 42-45).

Regarding claims 1, 10, 18, and 237, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 230. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension based upon user preference (column 12, lines 49-55).

Regarding claims 1, 10, 18, and 238, Emery teaches of a method of sorting location dependent data (column 10, lines 34-63), the system comprising: a client wireless component (CWC) (figure 1, item 105), the CWC having: a location tracker operatively configured with a location tracking database (column 15, lines 5-8); a document database operatively configured with an editor (column 15, line 40-41) a presenter (column 11, lines 32-39) operatively configured with the location tracking database; and a recorder (column 13, lines 54-56); and a session manager (column 11, lines 48-57; shows an example of a session performed by a session manager).

Emery does not specifically teach of a session manager within the CWC, where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art, concerning an internet system for connecting client-travelers with geographically associated data, Glorikian teaches of the session manager within the CWC (column 10, lines 3-8; where

the management is done by the client's portable unit, therefore, done by an internal session manager), where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Glorikian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally... may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described", Where as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"; however, it is not being "pushed", but it is directly provided by the client's device stored information. Column 10, lines 3-8; where the management of sorting, displaying, starting ending the sessions is done by the client's portable unit, therefore, done by an internal session manager) and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a "shortest-distance-first order" in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian's session manager shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claims 1, 10, 18, and 239, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 238. Emery also teaches where the editor and the recorder comprise editing components that modify the location tracking database (column 14, lines 1-20).

Regarding claim 20, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the presenter retrieves

documents from the document database, and sorts them in location-dependent order for presentation by calculating the distance between current location from the location tracking database and location information associated with each document in the document database (column 15, lines 5-8).

Regarding claim 21, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the CWC further includes global positioning satellite (GSP) position components and distance determination for sorting the document database is determined by a signal from a GSP network (Figure 1, item 107).

Regarding claim 22, Emery and Glorikian teach all the limitations of claim 20. Emery also teaches where the CWC includes position determining components for sorting the document database, the determining components determine location of the CWC by accessing area code of the wireless cellular network (column 16, lines 4-8).

Regarding claim 23, Emery teaches of a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method for sorting location dependent data (column 3, lines 35-36) to perform a method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically associated data, Glorikian teaches of

sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC.

(columns 5 and 6, lines 37-67 and 1-29, respectively; where information is “pushed” in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Glorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where “portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client’s portable unit” and “the client, having the relevant information stored locally. . . may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described”. Where as in the example found on page 6, lines 1-14; the information is provided in a “shortest-distance-first order”; however, it is not being “pushed”, but it is directly provided by the client’s device stored information); and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a “shortest-distance-first order” in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery’s method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian’s shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claim 24, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location identifier associated with the datum determined by the actual geospatial location (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claim 25, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location

identifier associated with the datum determined by the non-actual geo-spatial location (column 3, lines 59-65).

Appellant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

B. The Prior Art References

1. The Emery Disclosure

Emery discloses a method and system for combining and accessing telephony numbering and geographical position so direct access to information, services and goods may be invoked through the use of various telephone networks. The existing telephone networks throughout North America and the world use standardized numbering plans for connecting to, or switching any subtended device to any other device within the network. The U.S. government has orbited a series of communication satellites which provide a signaling method for determining precise geographical location throughout the world. This system is called the Global Positioning System (GPS) and provides several levels of service. Each GPS satellite continually transmits a navigation location signal which may be received on the ground, sea, or in the air and when combined with signals from other GPS satellites used to pinpoint navigational position in two or three dimensions. This invention allows for the storage, transmission, communication, and access to geographical positioning data determined by GPS or any other method by using the North American or other land based public switched, cellular, satellite, radio, or other telephone system and related intelligent networks. (Abstract).

2. The Glorikian Disclosure

Glorikian discloses a tourist, i.e., client of his service, who may be making a walking tour of Colonial Williamsburg in the U.S. state of Virginia. This tourist may be presented with information pertaining to items of very local interest by the system. The tourist, a client of the enterprise host of the server 13, may be walking along the James River on the plot known as Martin's Hundred. This client will be pushed information about the history of Martin's Hundred via a cellular telephone Internet link to the appliance of the system. (col. 5, lines 42-64)

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Glorikian also discloses that because GPS positioning is quite accurate, down to at most an error of less than three feet, the granularity of the information selection can be quite high. for example, as the client walks or rides in broad areas of Martin's Hundred, not immediately adjacent to any specific, more limited (lower level) historical site, information of a general nature is pushed to the client's portable device. As the client nears John Boys' house on the banks of the James River, specific information about John Boys (who was titular head of Martin's hundred for a time) and his family will be pushed. (col. 5, line 65 to col. 6, line 8).

Glorikian further discloses that historical information pushed under these circumstances may be selected by software at server 13 based on more than the simple location of the portable unit. The direction of change in location may be used as well, and the rate of change, and other dynamics derivative from location and time. (col. 6, lines 15-20).

C. Appellant's Position

Independent claims 1, 10, and 23 recite in relevant part,

"sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers".

Similarly, independent claim 18 recites in relevant part,

"a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers".

The present invention describes the feature of "a shortest-distance-first order" at several locations throughout the Specification. Page 3, line 6-8 of the Specification describes "sorting the document database in a location-dependent order by calculating a distance between the user's location and the location identifiers associated with the datum in the document database". Page 9, lines 5 of the Specification describe "The Presenter 150 is responsible for retrieving documents from the Document Database 130, and arranging them in a location-dependent order for presentation to the user. It does this by calculating the distance between the user's current location (retrieved from the Location Tracking Database) (step 3) and the location information

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associated with each document (retrieved from the Document Database 130) (step 4)". Page 9, lines 6-11 of the Specification describes "The distance is a metric expressed in either a physical dimension (miles, degrees longitude/latitude) or logical dimension (number of street blocks, number of network hops). Once the documents are retrieved from the Document Database 130, they are sorted according to distance and presented to the user (step 5)."

The Specification also describes how, for example, a telephone number associated with an area code, may be edited to provide a geo-spatial location: "The Recorder 160 provides an interface as part of the Presenter 150 user interface that allows the user to add, modify, and delete the location information associated with a document (step 6). For convenience, a special button on the keypad of a mobile-type CWC device may be allocated to do this. For instance, on a cellular phone, a special key can be assigned to the task "Mark Here" that associates the user's current location with the document that was selected." (Specification, page 10, lines 5-9).

The Office Action admits that "Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on location of the CWC." (Office Action, page 3, lines 11-12). (emphasis added).

Glorikian does not cure the deficiencies of Emery.

In contrast to the present invention, Glorikian never calculates a distance between his mobile terminal and a set of location data in order to sort according to a shortest-distance-first order, i.e., "sorting, within said CWC [Client Wireless Component], said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in previously amended, claims 1, 10, and 23, and "a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in previously amended, independent claim 18. At best, Glorikian discloses pushing information related to a pre-determined site nearest to his device; there is no sorting based on distances between sites, and no calculation of distances.

Instead, Glorikian merely pushes information related to a pre-determined site nearest to his device.

For at least the reasons outlined above, Appellant respectfully submits that Emery and

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Glorikian, either individually or in combination, do not disclose, teach or suggest the present inventions features of: "sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claims 1, 10, and 23; and "a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers", as recited in independent claim 18. Accordingly, Emery and Glorikian, either individually or in combination, fail to render obvious the subject matter of independent claims 1, 10, 18, and 23, and claims 2-9, 11-17, 19-22, 24, and 25, which respectively depend from the independent claims 1, 10, 18, and 23 under 35 U.S.C. 35 U.S.C. §103(a). Withdrawal of the rejection of claims 1-25 as unpatentable over Emery and Glorikian under 35 U.S.C. 35 U.S.C. §103(a) is respectfully solicited.

D. CONCLUSION

In view of the forgoing, Appellant respectfully submits that claims 1-25 are patentably distinct over the cited prior art of Emery and Glorikian. In addition, Appellant respectfully submits that claims 1-25, all the claims of the application, are in condition for allowance.

Therefore, Appellant respectfully requests the Board to reconsider and withdraw the rejections of claims 1-25 and pass these claims to issue.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Date: September 22, 2008

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VIII. CLAIMS APPENDIX

1. (Previously Presented) A method of sorting geo-spatial dependent data using a client wireless component (CWC), said method comprising:
 - receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;
 - determining a location of said CWC;
 - sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and
 - displaying said personal user information in said shortest-distance-first order on said CWC.
2. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes providing a global position satellite (GPS)-type CWC and tracking location of said GPS-type CWC using global positioning satellites.
3. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said determining of said location of said CWC includes accessing an area code of a local wireless cellular network.
4. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said determining of said location of said CWC includes explicit entry of location data.

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5. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp.
6. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising editing said location identifiers to correspond to actual geo-spatial locations.
7. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location.
8. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said personal information by said distance, beginning with a smallest distance.
9. (Previously Presented) The method in claim 1, all the limitations of which are incorporated herein by reference, wherein the sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal information is performed by logical dimension.
10. (Previously Presented) A method of sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC), said method comprising:
 - receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;
 - determining a location of said CWC;

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sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

displaying said personal user information in said shortest-distance-first order on said CWC.

11. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining said location of said CWC includes automatic determination by a global position satellite network.

12. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said determining of said location is by inputting a particular location into the CWC.

13. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and a timestamp.

14. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising editing said location identifier to correspond to geo-spatial location by the GPS-CWC.

15. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, further comprising assigning said location identifiers based on information other than geo-spatial location.

16. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting comprises calculating a distance between

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said location and said location identifiers and ordering said personal user information by said distance, beginning with a smallest distance.

17. (Previously Presented) The method in claim 10, all the limitations of which are incorporated herein by reference, wherein said sorting of said personal user information in a location-dependent order by calculating the distance between current location and said location identifiers associated with said personal user information is performed by logical dimension based upon user preference.

18. (Previously Presented) A system for sorting location dependent data, the system comprising:

- a client wireless component (CWC), the CWC having:

- a location tracker operatively configured with a location tracking database to determine a location of said CWC;

- a document database operatively configured with an editor, a presenter and a recorder, said presenter operatively configured with said location tracking database, wherein said document database comprises user documents comprising personal user information added by a user of said CWC through said editor, wherein said user documents have location identifiers associated with said personal user information;

- a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

- a graphic user interface adapted to display said personal user information in said shortest-distance-first order.

19. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said editor and said recorder comprise editing components that modify said location tracking database.

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20. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database and location information associated with each document in said document database.

21. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said CWC further includes global positioning satellite (GPS) position components and distance determination for sorting said document database is determined by a signal from a GPS network.

22. (Previously Presented) The system in claim 18, all the limitations of which are incorporated herein by reference, wherein said personal user information comprises a personal telephone directory, and wherein said CWC includes position determining components for sorting said document database, said positioning determining components to determine said location of said CWC by accessing an area code of a local wireless cellular network.

23. (Previously Presented) A program storage device readable by machine, tangibly embodying a program of instructions executable by said machine to perform a method for sorting location dependent data using a client wireless component, said method comprising:

- receiving user documents comprising personal user information added by a user of said CWC, wherein said user documents have location identifiers associated with said personal user information;

- determining a location of said CWC;

- sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers; and

- displaying said personal user information in said shortest-distance-first order on said CWC.

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24. (Previously Presented) A program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by actual geo-spatial location.

25. (Previously Presented) The program storage device in claim 23, all the limitations of which are incorporated herein by reference, wherein said method further comprises editing said location identifiers associated with said personal user information by non-actual geo-spatial location.

IX. EVIDENCE APPENDIX

There is no other evidence known to Appellant, Appellant's legal representative or Assignee, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no other related proceedings known to Appellant, Appellant's legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.